IN THE HIGH COURT UTTARANCHAL AT NAINITAL

Writ Petition (S/S) No. 1374 of 2001
(Old No. 27228 of 1994)

Chini Mazdoor Sangh,
Chini Mill Doiwala through its
General Secretary S.P. Gupta.

..... Petitioner

Versus

1. State of U.P.

2. U.P. State Sugar Corporation
5- Meera Bai Marg, Lucknow through
its Managing Director.

3. U.P. State Sugar Corporation Unit,
Doiwala, Dehradun through its
General Manager.

4. Doiwala Sugar Company, Doiwala,
District Dehradun through its
Executive Director.

..... Respondents

Sri Rajendra Dobhal, learned counsel for the petitioner.
Learned Standing counsel for the State/respondent.
Sri U.K. Uniyal, learned Senior Advocate for the respondent Nos. 3 & 4.

Date: July 19, 2006.

Hon'ble P.C.Verma,J.

By means of this petition, the petitioner has prayed for writ of mandamus to command the respondents to pay the salary to the School Staff working in the Primary & Junior High Schools of Chini Mill Doiwala run by respondent No.2 in the interest of its business so that the Sugar Factory may give better facilities to its staff for providing education to their children.

2. It is settled legal position that the Educational Societies which are providing education to the children and are getting salary on the pay scale, mandamus can be issued to them as they discharge the public function but so far as a writ of mandamus for implementing the revised pay scale is concerned, it falls within the total domain of the Company considering its financial position either to implement the revised pay scale or not. Since the discretion is vested on the Company in this matter either to implement the revised pay scale or not, no mandamus can be issued to exercise its discretion. It is settled law that no writ can be issued to exercise the discretion.

3. Therefore, the writ petition is dismissed. No order as to costs.

(P.C. Verma,J.)
19.07.2006

P.Singh